

### REMARKS/ARGUMENTS

Favorable reconsideration of this application in view of the above amendments and in light of the following discussion is respectfully requested.

Claims 1-25 are pending. The present Amendment amends Claims 1, 2, 4-12, 14-19, 21-23, and 25. No new matter is introduced.

In the Office Action, Claims 2, 4, 6, 8, 9, 17, 20, 22, 23, and 25 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. In addition, Claim 17 was rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 6,302,487 to Fujita et al. (hereinafter, “Fujita ‘487”);<sup>1</sup> Claim 18 was rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,044,693 to Yakota (hereinafter “Yakota”); Claim 19 was rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,854,805 to Fujita et al. (hereinafter, “Fujita ‘805”); Claims 1-7 and 9-10 were rejected under 35 U.S.C. § 103(a) as unpatentable over Fujita ‘487 in view of Fujita ‘805; Claims 8 and 11 were rejected under 35 U.S.C. § 103(a) as unpatentable over Fujita ‘487 in view of Fujita ‘805 and U.S. Patent No. 6,079,782 to Berg et al. (hereinafter, “Berg”); Claims 12-15 were rejected under 35 U.S.C. § 103(a) as unpatentable over Fujita ‘487 in view of Fujita ‘805; Claim 20 was rejected under 35 U.S.C. § 103 (a) as unpatentable over Fujita ‘805 in view of Berg; and Claims 22-24 were rejected under 35 U.S.C. § 103(a) as unpatentable over Fujita ‘487 in view of Fujita ‘805.

The Office Action also indicated that Claims 16 and 21 were objected to, but would be allowable if rewritten in independent form; and that Claim 25 would be allowable if rewritten to overcome the rejections under 35 U.S.C. § 112, second paragraph and in

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<sup>1</sup> Applicants note that although the Office Action indicates that this rejection is based on Fujita ‘487, the substance of the rejection does not correspond to subject matter described in Fujita ‘487, but instead appears to be based on U.S. Patent No. 6,854,805 to Fujita et al. Accordingly, it is Applicants’ understanding that Claim 17 stands rejected based on U.S. Patent No. 6,854,805 to Fujita et al., not Fujita ‘487.

independent form. The indication of allowable subject matter is gratefully acknowledged. However, for the reasons discussed below, all of the claims are believed to be in condition for allowance.

The claims are amended in response to the rejection under 35 U.S.C. § 112, second paragraph. In view of the amendments to the claims, all of the claims are believed to be definite and clear. Accordingly, it is respectfully requested that the rejection under 35 U.S.C. § 112, second paragraph be withdrawn.

The present application claims priority to Japanese Patent Application No. 2002-258306 (hereinafter “JP ‘306”), filed September 3, 2002. In accordance with 37 C.F.R. §1.55(a)(4), enclosed please find an English translation of the certified copies of JP ‘306, along with a statements that the translation of the certified copies is accurate. Applicants respectfully submit that the enclosed documents perfect the claim to priority to JP ‘306 under 35 U.S.C. §119. The September 3, 2002 filing date of JP ‘306, antedates the March 20, 2003 filing date of Fujita ‘805. Therefore, Fujita ‘805 does not qualify as prior art with respect to the present application under 35 U.S.C. §102(b), 35 U.S.C. §102(e), or 35 U.S.C. §103(a). Accordingly, it is respectfully requested that the rejections of Claims 1-15, 17, 19, 20, and 22-24 based on Fujita ‘805 be withdrawn.<sup>2</sup>

With respect to the rejection of independent Claim 18, Yokota fails to disclose or suggest all the features of Claim 18. Claim 18 recites a seat that includes a back portion frame, a cushion material, and a tension adjusting mechanism. Amended Claim 18 clarifies that the cushion material includes a lower layer portion *stretched on the back portion frame* at

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<sup>2</sup> As discussed above, it is Applicants’ understanding that Claim 17 is rejected based on Fujita ‘805 and not Fujita 487.

a portion corresponding to a region between a lower side of shoulder blades and a lumbar vertebrae region of a seated person, and a surface layer portion layered on the lower layer portion and *stretched on the back portion frame*. Amended Claim 18 further clarifies that the tension adjusting mechanism connects at least one connection position of the lower layer portion that is located further upward than beneath the shoulder blades and a connection position further downward than the lumbar vertebrae region to the back portion frame. The tension adjusting mechanism generates tensile force which pulls the lower layer portion *rearward* at a time of sitting.

Turning to the applied reference, Yokota relates to a seat back structure. Figure 4 of Yokota illustrates a seat back that includes a seat back frame 6 and a back support plate 4. The back support plate 4 is secured to the seat back frame 6 by springs (7a, 7b) and a torsion bar 11. However, Yokota fails to disclose or suggest a tension adjusting mechanism that generates tensile force which pulls the lower layer portion *rearward* at a time of sitting.

The Office Action identifies the back support plate 4 as the claimed lower layer portion and identifies the springs illustrated in Figures 1-3 of Yokota as the claimed tension adjusting mechanism. However, even if the back plate described in Yokota is identified as the claimed lower layer portion, the springs described in Yokota do not pull the back plate *rearward* at a time of sitting. Yokota states that “back support plate (14) is resiliently supported only by the springs (17a)(17b)(17c), when a load (F) is applied to the support plate (14), as in FIG. 3, initially, the support plate (14) is not given the direct resilient percussive force of the springs (17a)(14b)(17c), by reason of the fact that, in such case, the springs (17a)(17b)(17c) are simply fitted in both securing holes (19a) of the securing lugs (19) and holes of the support plate (14) and thus, rotated downwardly from the solid line to the

phantom line about their respective securing holes (19a), without being applied the direct downward load (F). As a result, the occupant feels a sudden backward movement in the seat back and uneasy with such insufficient support touch.”<sup>3</sup> Thus, as the springs 17 resiliently support the back plate 4 and therefore *oppose* the backward movement in the seat back, the springs 17 generate tensile force which pull the seat back *forward* at a time of sitting. Therefore, the springs 17 are not the claimed tension adjusting mechanism that generates tensile force which pulls the lower layer portion *rearward* at a time of sitting

Accordingly, Yokota fails to disclose or suggest all the features of Claim 18. It is submitted that Claim 18 and the claims depending therefrom are in condition for allowance.

For the reasons discussed above, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal allowance. Therefore, a Notice of Allowance for Claims 1-25 is earnestly solicited.

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact Applicants’ undersigned representative at the below listed telephone number.


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<sup>3</sup> See Yokota at col. 1, line 69 to col. 2, line 14.